

**Casco Bay Regional Shellfish Working Group  
Land Trust Collaboration Meeting  
Summary**

*September 29, 2022 from 10-11:30 AM  
Merrill Memorial Library, 215 Main Street,  
Yarmouth, 04096*



**Participants:**

In-person: Jessica Joyce (Tidal Bay Consulting), Emily Farr (Manomet), Marissa McMahan (Manomet), Josee Stetich (Resilience Corps Fellow), Madeline Tripp (Viewshed), Kevin Oliver (CBRSWG Steering Committee), Chris Warner (CBRSWG Steering Committee), Julia McLeod (Harpswell Heritage Land Trust), Ruth Indrick (Kennebec Estuary Land Trust), Curtis Bohlen (Casco Bay Estuary Partnership), Mila Plavsic (Falmouth Land Trust), Penny Asherman (Chebeague and Cumberland Land Trust), Becky Kolak (Kennebec Estuary Land Trust), Adam Pereira (Royal River Conservation Trust), Nick Planson (Sea Meadow Marine Foundation), Rebecca Rundquist (Sea Meadow Marine Foundation), Carrie Kinne (Freeport Conservation Trust), Jeremy Gabrielson (Maine Coast Heritage Trust), Warren Whitney (Maine Coast Heritage Trust)

Virtual: Tony Sutton (Maine Shellfish Learning Network and University of Maine), Angela Twitchell (Brunswick-Topsham Land Trust), Scott Kunkler (Scarborough Land Trust), Charles Tetreau (Town of Freeport), Paul Plummer (Town of Harpswell), Donna Bisset (Maine Coast Heritage Trust)

*Key takeaways/action items in green*

**Presentation from the Casco Bay Regional Shellfish Working Group (CBRSWG) and Tony Sutton (Maine Shellfish Learning Network)**

*Marissa McMahan, Jessica Joyce, Josee Stetich, Emily Farr, Madeline Tripp, Tony Sutton*

- CBRSWG facilitators (Marissa and Jessica) provided a brief overview of shellfish harvesting in Maine, and the goals of the Working Group, which fosters collaboration among the shellfish community in Casco Bay.
- Josee shared some information about coastal access, which is a priority issue facing shellfish harvesters in Casco Bay, and introduced the [Preserving Access to the Intertidal Guide](#) developed by the Working Group.<sup>1</sup>
- Emily introduced a pilot project led by Manomet to map public and private access points with five towns in the region.
- Tony provided some background on colonial policies that displaced Wabanaki people from sites of sustenance, and contemporary issues facing Wabanaki access to the coast and to shellfish.

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[https://static1.squarespace.com/static/6026cbaf8dfa6838a1b67b5e/t/6335db237f4025761bc8aeee/1664473903909/IntertidalAccess\\_rev092822.pdf](https://static1.squarespace.com/static/6026cbaf8dfa6838a1b67b5e/t/6335db237f4025761bc8aeee/1664473903909/IntertidalAccess_rev092822.pdf)

## Discussion:

- Rebecca Rundquist expressed that the Sea Meadow Marine Foundation is interested in collaboration with tribes around access, and asked whether private property owners could invite clambers from the tribe to harvest on their properties.
- Kevin Oliver asked whether tribes were prohibited from participating in municipal and state licenses.
- Tony suggested that the best way to improve tribal access is through work on the local level through municipal ordinances. The 1980 Settlement Act restricts tribal sovereignty and positions tribes as municipalities, and municipal ordinances restrict access through residency requirements, or requirements to participate in conservation work, which may be difficult if a tribal member lives far away. Tribal members can access state licenses and harvest in open areas,<sup>2</sup> although over time there have been fewer open areas for harvesting.

## Presentation: Examples of land trust collaborations with shellfish community

### *Ruth Indrick, Kennebec Estuary Land Trust*

KELT started working on shellfish in 2009-10 after pollution closures impacted most of the mudflats in Woolwich, Phippsburg, Arrowsic, and Georgetown. KELT brought on two AmeriCorps volunteers to focus on shellfish and provide extra capacity to sample closed flats. Outreach has also been a key tool for improving access by raising awareness in the community and with landowners about the importance of shellfish. Ruth also shared one access challenge they faced, where owners of a coastal property were supportive of shellfish harvesters accessing the intertidal through their property for clam seeding research. However, the property was at the end of a private road, and the road association was not supportive, so harvesters lost access. She also shared a successful example where KELT put specific language about access and parking for shellfish harvesting into a conservation easement, and can share that language with anyone who is interested.

### *Jeremy Gabrielson, Maine Coast Heritage Trust*

Jeremy shared three examples of ways MCHT has addressed access to support shellfish harvesting. He noted that MCHT has not gone out proactively in their reserves to ask where there is important access that would be important to preserve.

- Woodward Point: When working on this acquisition, Brunswick shellfish harvesters approached MCHT about this being an important site for access, and identified places where access could be improved. MCHT built a set of stairs to enable harvesters to more easily reach the flats.
- Old Eastport Road in Perry: The town approached MCHT about this area being important for access and is heavily used for shellfish harvest, but the landowner was having difficulty paying property taxes. MCHT helped the town with the acquisition, then transferred the title to the town.

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<sup>2</sup> Open areas include mudflats in municipalities or unorganized territories that do not have shellfish ordinances. These areas are open to harvesting to anyone with a state shellfish license.

- Bailey’s Mistake: Lubec residents identified a need for more boat access in Lubec. While overland access is safer in the wintertime, it isn’t possible in some places. MCHT built, and now manages a boat launch.

*Emily Farr, on behalf of Gouldsboro Shore*

The Gouldsboro Shore team has been successful in partnering with Frenchman Bay Conservancy and Maine Coast Heritage Trust to preserve access points in town. Visit their [website](#) for more information about their work.<sup>3</sup>

**Discussion:**

- Nick Planson: Sea Meadow Marine Foundation recently acquired a property in West Bath (20 acres) with two permitted piers/marinas and an old commercial building, across from New Meadows Marina. The property is used by aquaculture growers, quahog harvesters, etc. They are trying to get it operating as a standalone for-profit (to make use of the existing commercial building), but haven’t been able to get that to move forward. Is there an opportunity to partner with land trusts?
  - Curtis Bohlen has seen that kind of partnership in other parts of the country where land prices are higher.
  - Chris Warner has a shellfish farm in the New Meadows River, and there is limited access to the New Meadows after December 1. There is a need for more access and another hatchery on the New Meadows.
  - Jeremy Gabrielson described the buy/restrict/resell model where a land trust can acquire a property, purchase an easement on part of it, and sell the remainder unrestricted. Another option for the West Bath property might be a Working Waterfront Covenant.
- Jeremy Gabrielson: Barriers to access projects include when subdivision/private roads restrict the ability to allow public access, as well as the cost of certain projects. How do you identify the value of an access point? If you are able to clearly demonstrate the life and safety needs for a project, it can make higher costs more feasible, but that data isn’t always available.
  - Another challenge is that land trusts and clambers are on different schedules. DMR shellfish biologists are really helpful in identifying how significant a project might be. CBRSWG facilitators will share contact information for DMR shellfish biologists
- Question for Ruth: How did the conversation with the road association that decided not to allow access take place?
  - It was not a formal process. A few road landowners didn’t want access, so they told the coastal property owner to stop allowing it. It is important to let landowners know that formalizing access is an option (and that it won’t decrease property value, but can maintain this important use that they may value).
- Curtis Bohlen: Can you change the language in an existing easement to reflect access / commercial use?

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<sup>3</sup> <https://gouldsboroshore.me/>

- Access language in an easement isn't commercial use because harvesting is occurring in intertidal (allows fishing/fowling/navigation), and not on conserved property (which is just being passed through).
- Rebecca Rundquist: Are there parallels we can draw between hunting in open space and accessing the intertidal? In Maine, hunting is allowed on private property unless it is posted ("implied permission structure"). There is a different presumption for intertidal access. How do we normalize it? Legal rights of access are often transferred a couple of times to get rid of them.
  - Intertidal access is different than hunting because the use of the land isn't restricted, the path to the intertidal is.
  - Curtis Bohlen has noticed cultural change occurring around hunting in Southern Maine, with new/different assumptions about what it means to restrict private property.
  - Nick Planson suggested putting signs at landings that say "access by permission" with a phone number, similar to what people do for hunting.
- For both hunting and accessing the intertidal, it is all about our relationships. "We are neighbors, and this is what makes us unique."
  - Kevin Oliver: In Yarmouth, there are not enough harvesters to drum up support for access. Sometimes you start working on improving access and water quality changes, so you can't clam there anyway. Land trusts should monitor water quality reports or the status of shellfish growing areas, which are available on [DMR's website](#).<sup>4</sup>
  - Warren Whitney: Hunters need to build relationships with landowners, and ask permission to use land, if they want the landowner to continue to allow hunting. It's the same thing with accessing the intertidal for shellfish harvesting.
  - Often, it is new riparian owners that don't understand context and could benefit from relationship building.
- Select boards or town councils often play a role in decisions about shellfish (e.g., in Yarmouth). How often are select boards involved in land projects with land trusts?
  - When looking for municipal funding for a project, the town is involved. In some towns (especially in Eastern Maine), there is little staff capacity so they look to land trusts to help. In most cases there is not direct involvement of select boards.
- Chris Warner is also a realtor, and at staff meetings, he encourages realtors to bring their clients to the waterfront property at low tide or at 9 AM when you can hear all the boat traffic. Clearly convey what it means to live on the coast. Realtors are often the first relationship a new homeowner has.
  - Building relationships also differs between towns. In Georgetown, for example, the land doesn't convey much, and harvesters know to respect private property and continue positive relationships. Phippsburg, for example, is trickier with a larger population and many different spots/coves.
- Nick Planson: Working on electric workboats to reduce noise and environmental impact, which helps improve relationships with coastal land owners.

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<sup>4</sup> <https://www.maine.gov/dmr/fisheries/shellfish/shellfish-closures-and-aquaculture-leases-map>

- Nick Planson: On the non-profit side, it is hard to get funding for infrastructure improvements (water, sewer connection, fix bulkhead). What funding is out there?
  - Funding sources listed in the Appendix of the *Preserving Access to the Intertidal* guide introduced in the presentation.
  - Partner with towns to pursue funding, or as a regional initiative
  - Inflation Reduction Act and Infrastructure and Jobs Acts may have some funding for infrastructure, and some specific to aquaculture (through USDA)
  - Natural Resources Conservation Service (NRCS) has funding, and often relies on finding someone at the state or district office who wants to work with you. NRCS also has annual priority setting meetings that aquaculture growers might be encouraged to attend.
  - CBRSWG facilitators will provide NRCS information and soil and water conservation district contacts. They are often looking for partners for water quality.

### **Next Steps:**

Marissa shared the following next steps:

- We will share a meeting summary and links to resources we discussed.
- We will send emails to connect any land trusts that do not have existing relationships with their local shellfish/marine resources committee.
- If you didn't sign up for the CBRSWG newsletter on the sign-in sheet, you may do so on the form on our website: <https://www.cascobayregionalshellfishworkinggroup.org/> or by emailing Jessica
- We will have a late fall/early winter CBRSWG meeting, which will be posted on our website and shared via the newsletter.